

TENTH DAY

(Monday, February 2, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Absent—Excused

Fly	Smith
Parkhouse	Willis

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 29, 1959, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Parkhouse was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Fly was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Willis was granted leave of absence for today on account of important business on motion of Senator Owen.

Senator Smith was granted leave of absence for today on account of important business on motion of Senator Dies.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 45, A bill to be entitled "An Act amending Section 12 of Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Section 12 of Article 2351a-6, Vernon's Texas Civil Statutes), relating to Rural Fire Prevention Districts, to provide that the County Tax Assessor-Collector shall be the Assessor-Collector for the District; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills and Resolution on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senators Krueger and Reagan:

S. B. No. 77, A bill to be entitled "An Act providing for the regulation of radiation exposure to radio active materials and ionizing radiation producing equipment; the registration and possession of such materials and equipment; prescribing the authority, powers and duties of the Texas State Board of Health and the administration of such registration; defining terms; prescribing penalties for violation thereof; authorizing injunctive action; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 78, A bill to be entitled "An Act making the information reflected by the books, files and records of banks and building and loan or savings and loan associations concerning accounts of depositors or shareholders confidential and prohibiting officers, directors, agents or employees of a bank or such an association from divulging such information except under certain circumstances; and declaring an emergency."

To the Committee on Banking.

By Senator Herring:

S. B. No. 79, A bill to be entitled "An Act relating to the appointment,

qualification, duties and compensation of Official Shorthand Reporters for the District Courts of the Fifty-Third and One Hundred Twenty-Sixth Judicial Districts of Texas, for the Ninety-Eighth District Court of Travis County and for the Criminal District Court of Travis County; fixing maximum and minimum salaries to be paid, in addition to compensation for transcripts, statement of fact and other fees; repealing all laws or parts of laws in conflict; providing a savings clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Herring:

S. B. No. 80, A bill to be entitled "An Act relating to the authority of local units of government to contract regarding the assessing and collecting of local taxes; amending Sections 1, 2, and 2a of Chapter 351, Acts of the 49th Legislature, 1945, as amended; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 81, A bill to be entitled "An Act relating to the addition of territory to certain independent school districts; and declaring an emergency."

To the Committee on Education.

By Senator Herring:

S. B. No. 82, A bill to be entitled "An Act relating to the treasurer of the school fund in any independent school district of more than one hundred fifty (150) scholastics; amending Article 2832 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To the Committee on Education.

By Senator Bradshaw:

S. B. No. 83, A bill to be entitled "An Act adding Articles 879h-1, 879h-2 and 879h-3 to Article 879 of the Penal Code of Texas, providing for an archery season on turkey, deer, bear and javelina; forbidding possession of a firearm or crossbow while hunting during said season; regulating the use of bow and arrows in hunting said wild game; providing for a penalty for violation; repealing all laws in conflict; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Baker:

S. B. No. 84, A bill to be entitled "An Act to repeal Article 6377, Revised Civil Statutes of Texas, 1925, as amended, and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Baker:

S. J. R. No. 4, Proposing an amendment to Section 25 of Article III of the Constitution of the State of Texas to permit division of a county into two or more complete senatorial districts.

To the Committee on Constitutional Amendments.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 9, Memorializing Congress to Oppose Increase in Federal Gasoline Tax.

Senate Bill 7 on Second Reading

Senator Colson moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 7 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Absent—Excused

Fly	Smith
Parkhouse	Wilhis

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 7, A bill to be entitled "An Act to amend Section 2 of Senate Bill 44, Acts of the 49th Legislature, Regular Session, 1945, as amended (codified as Section 2 of Article 5798a-2 of Vernon's Civil Statutes), so as to provide that a person who has served in the active Military, Navy, or Armed Forces, or the Nurses Corps of the United States or Canada, during the Korean War (commonly referred to as the Korean Conflict or the Korean Police Action), for a period of at least four (4) months, and having been honorably discharged from such services, may serve as Veterans County Service Officer and/or Assistant Veterans County Service Officer; providing that this individual also possesses the other qualifications enumerated in Section 2 of this Act; providing for a repealing clause; providing for a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 7 on Third Reading

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Absent—Excused

Fly	Smith
Parkhouse	Willis

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Absent—Excused

Fly	Smith
Parkhouse	Willis

Senate Bill 23 on Second Reading

Senator Moore moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 23 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Absent—Excused

Fly	Smith
Parkhouse	Willis

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 23, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Brazos County; restoring to said court the civil and criminal jurisdiction granted to

county courts by the Constitution and General Laws of this State; conforming the jurisdiction of the district court of said county to such change; repealing all laws in conflict with this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 23 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Absent—Excused

Fly	Smith
Parkhouse	Willis

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Weinert
Kazen	Wood
Krueger	

Absent—Excused

Fly	Smith
Parkhouse	Willis

House Bill on First Reading

The following bill received from the House today was read first time and referred to the Committee indicated:

H. B. No. 45, To the Committee on State Affairs.

Adjournment

On motion of Senator Hardeman the Senate at 11:00 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Mrs. Sam Johnson

Senator Herring offered the following resolution:
(Senate Concurrent Resolution 10)

Whereas, On the twelfth day of September, 1958, the State of Texas lost one of its most prominent citizens, Mrs. Sam Johnson, beloved mother of our Senate Majority Leader, Lyndon Johnson; and

Whereas, Mrs. Johnson, the former Rebekah Baines, was born at McKinney, Texas, on June 26, 1881, the daughter of the late Ruth Amet Huffman Baines and Joseph W. Baines, who for many years was publisher of the McKinney Advocate and a prominent figure in business and political circles; and

Whereas, Mrs. Johnson received her education at the University of Texas and Baylor University and on August 20, 1907, married Sam Ely Johnson of Johnson City, Texas, who served with distinction as a member of the Texas House of Representatives for twelve years; and

Whereas, She was a gracious lady whose charm and wit won the admiration of all who knew her, and her sincere interest in people endeared her to hundreds of friends who mourn her passing; and

Whereas, Throughout her life, Mrs. Johnson took a keen interest in public affairs and showed an astute understanding of the complexities of politics; and

Whereas, Her serene outlook and her many useful and fruitful years of conscientious endeavor will be long remembered by those who were privileged to know her; and

Whereas, She gave to her children the priceless heritage of a wise and devoted mother; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas, the House of Representatives concurring, that our heartfelt sympathy be extended to her esteemed family; that a page in the permanent Journal be set aside as a memorial to her, and that official copies of this resolution be sent to her sons, Lyndon Johnson of Stonewall, Texas, and Sam Houston Johnson of Washington, D. C.; her three daughters, Mrs. O. P. Bobbitt of Austin, Texas; Mrs. Birge Alexander of Fort Worth, Texas; and Mrs. J. D. Moss of Fredericksburg, Texas; her brother, Huffman Baines of San Antonio, Texas; and her sister, Mrs. W. E. Saunders of San Antonio, Texas; now therefore, be it

Resolved, That when the Senate adjourns today, it do so in tribute to the memory of Mrs. Sam Johnson.

HERRING

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read and by unanimous consent was considered immediately.

On motion of Senator Owen and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Mrs. Mary Lillian Thornberry

Senator Herring offered the following resolution:

(Senate Resolution 36)

Whereas, In the passing of Mrs. Mary Lillian Thornberry, on the tenth day of July, 1958, the State of Texas lost one of its most beloved citizens; and

Whereas, This gracious lady was born in Goliad County on May 26, 1873, and upon her marriage to William Moore Thornberry, a teacher at the State School for the Deaf, moved to Austin where she made her home for many years; and

Whereas, After the death of her husband, with characteristic determination, she resolved that her only son, now Representative Homer Thornberry of the Tenth Congressional District, would have every educational advantage that she could possibly give him; and

Whereas, Mrs. Thornberry, a deaf-mute since infancy, taught for many years at the State School for the Deaf, devoting her energies and capabilities to the enrichment of all students who came under her loving tutelage; and

Whereas, This wise and devout Christian lady, in the face of tremendous obstacles, made her life a shining example of courage, determination, and sympathetic understanding and an inspiration to the many friends who were privileged to know and love her; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas to honor the memory of Mrs. Mary Lillian Thornberry; now therefore, be it

Resolved, That when the Senate adjourns today it do so in her memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to her only son, Honorable Homer Thornberry, and her three lovely grandchildren, Molly Thornberry, David Thornberry, and Kate Thornberry as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
W. Alvis Parish

Senator Baker offered the following resolution:

(Senate Resolution 37)

Whereas, Almighty God, in His infinite wisdom and mercy, did on January 24, 1959, call to be with Him, W. Alvis Parish, leading Harris County lawyer and Chairman of the Board of the Houston Lighting and Power Company; and

Whereas, W. A. Parish was born in Huntsville Texas in 1887, attended Winchester Normal College in Winchester, Tennessee, Texas A. & M. College and the University of Texas, obtaining his law degree in 1910; and

Whereas, He was associated with Baker, Botts from 1910 through 1919, with Jones and Parish from 1919 through 1920 and with the then legal firm of Vinson, Elkins and Wood and later he rejoined Baker, Botts which became known as Baker, Botts, Andrews and Parish; and

Whereas, In 1914, as a young lawyer, Mr. Parish was named counsel for the Houston Light and Power Company, became a director in 1917, a vice president in 1927, a member of the executive committee in 1935, president in 1953 and board chairman and chief executive officer in April of 1958, having had a major role in the success of the company; and

Whereas, Mr. Parish was a powerful influence in Houston's business development and its community life during the past fifty years; and

Whereas, Mr. Parish was a member of the Board of Governors of Rice Institute, a director of Southwestern Drug Corporation of Dallas and the Houston Terminal Warehouse and Cold Storage Company; and

Whereas, Mr. Parish was an elder in the First Presbyterian Church, a member of the American, Texas and Harris County Bar Associations and of Phi Delta Theta social fraternity, a member of the Houston, Houston Country, Petroleum, Ramada, Cork, International and Champion Golf Clubs and the Bankers Club of New York, Shreveport and Petroleum Clubs of Shreveport; and

Whereas, Mr. Parish is survived by his wife, Mrs. Beth Hoffman Parish, a son, Robert Underwood Parish of Houston and two step-daughters, Mrs. June Hoffman Kangeiser of Topeka, Kansas, and Miss Barbara Hoffman of Houston; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this fine public spirited citizen and outstanding businessman who had the mental capacity, the forcefulness and the self-reliance that is given to few men and who contributed so much to his State and especially to the City of Houston; now, therefore, be it

Resolved, by the Senate of Texas, That we extend sincere sympathy too the family of W. A. Parish; that a copy of this resolution be sent to each member of his family; and that a page in today's Journal be devoted to his memory and that when the Senate adjourns today, it do so in memory of W. Alvis Parish.

The resolution was read and was adopted by a rising vote of the Senate.